

FILED

May 4 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0647

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CURRY JAMES NORQUAY,

Defendant and Appellant.

FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Sarah Chase Rosario y Naber, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 21, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 7th day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Sarah Chase Rosario y Naber*

Sarah Chase Rosario y Naber
Assistant Appellate Defender


STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Chase Naber, being first duly sworn upon my oath, depose and state as follows:

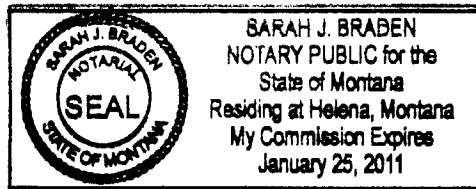
1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.
2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.
3. The Appellant's brief was first due on April 5, 2010. The brief is presently due on May 5, 2010. I request a 45-day extension to submit the Appellant's brief.
4. I am currently preparing for oral argument in State v. Gunderson set for May 14, 2010.
5. I need additional time to communicate with my client regarding his appeal and will work diligently to complete the matter in the time requested.
6. Opposing counsel has been contacted concerning this motion and does not object.


7. Further your affiant sayeth naught.



Sarah Chase Rosario y Naber

SUBSCRIBED AND SWORN to before me this 4th day of May, 2010.





Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

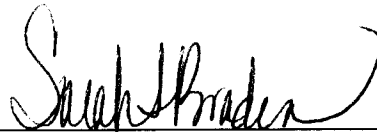
STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

LEO J. GALLAGHER
Lewis and Clark County Attorney
228 Broadway-Courthouse
Helena, MT 59601

CURRY NORQUAY 2057727
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

5/4/2010

_____